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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Afghanistan,* Andorra,* Armenia,* Austria,* Azerbaijan,* Bosnia and Herzegovina,* Bulgaria,* Croatia,* Cyprus,* Ethiopia, Georgia, Germany, Greece,* Honduras,* Iraq,* Ireland,* Italy,* Luxembourg,* Mali,* Malta,* Monaco,* Montenegro,* Panama, Poland,* Romania,* Serbia,* Slovakia,* Slovenia, Spain,* Sweden,* Switzerland, Thailand:* draft resolution

33/... Cultural rights and the protection of cultural heritage

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action, the Declaration on the Right to Development and all relevant international human rights treaties, including the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and reaffirming the human rights and fundamental freedoms enshrined therein,

Recalling also General Assembly resolution 60/251 of 15 March 2006, by which the Assembly established the Human Rights Council and in which it stated that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing, and must be treated in a fair and equal manner, on the same footing and with the same emphasis,

Convinced that damage to cultural heritage, both tangible and intangible, of any people constitutes damage to the cultural heritage of humanity as a whole,

Noting that the destruction of or damage to cultural heritage may have a detrimental and irreversible impact on the enjoyment of cultural rights, in particular the right of everyone to take part in cultural life, including the ability to access and enjoy cultural heritage,

* State not a member of the Human Rights Council

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Recognizing that safeguarding the enjoyment of cultural rights may form a crucial part of the response to many current global challenges, including to the scourge of terrorism,

Recognizing also that addressing the destruction of tangible and intangible cultural heritage needs to be holistic, encompassing all regions, contemplating both prevention and accountability, focusing on acts by State and non-State actors in both conflict and non-conflict situations, as well as terrorist acts,

Recognizing further that the violation or abuse of the right of everyone to take part in cultural life, including the ability to access and enjoy cultural heritage, may threaten stability, social cohesion and cultural identity, and constitutes an aggravating factor in conflict and a major obstacle to dialogue, peace and reconciliation,

Strongly condemning all acts of unlawful destruction of cultural heritage, which are often committed during or in the aftermath of armed conflicts around the world, or as a result terrorist attacks,

Noting with deep concern the organized looting, smuggling, theft and illicit trafficking in cultural property that could undermine the full enjoyment of cultural rights, and are contrary to international law and which may, in some instances, generate funds for the financing of terrorism,

Acknowledging the importance of early restoration of the full enjoyment of cultural rights to individuals affected by conflict, and in particular to those who are displaced,

Emphasizing the important role that the Human Rights Council can play, in concert with all other relevant international actors, in global efforts to protect cultural heritage, with a view to promoting universal respect for cultural rights by all,

Recognizing the important contribution that United Nations peacekeeping missions can make in the protection of cultural heritage and the safeguarding of the enjoyment of cultural rights, both during and in the aftermath of armed conflicts,

Acknowledging the important role of the United Nations Educational, Cultural and Scientific Organization, the United Nations Office on Drugs and Crime, the World Customs Organization and the International Criminal Police Organization in international efforts to combat and prevent damage or destruction, organized looting, smuggling, theft and illicit trafficking of cultural property, and to restore damaged property,

Welcoming the decision of the Special Rapporteur in the field of cultural rights, as expressed in her first report submitted to the Council, at its thirty-first session ,[1] to consider as a matter of priority the detrimental impact of the destruction of cultural heritage on the enjoyment of cultural rights,

Highlighting the important contribution made by cultural rights defenders involved in the protection of the cultural heritage of all humankind,

1. *Calls upon* all States to respect, promote and protect the right of everyone to take part in cultural life, including the ability to access and enjoy cultural heritage;

2. *Urges* all parties to armed conflicts to refrain from any unlawful military use or targeting of cultural property, in full conformity with their obligations under international humanitarian law;

[1] A/HRC/31/59

3. *Encourages* States that have not done so to consider becoming a party to all relevant treaties that provide for the protection of cultural property;

4. *Calls for* enhanced international cooperation in preventing and combating the organized looting, smuggling, theft and illicit trafficking of cultural objects and in restoring the stolen, looted or trafficked cultural property to its countries of origin, and invites States to take measures in this regard at the national level to make effective use to this end of relevant tools and databases developed under the auspices of the United Nations Educational, Cultural and Scientific Organization, the United Nations Office on Drugs and Crime, the World Customs Organization and the International Criminal Police Organization, within the scope of their respective mandates;

5. *Encourages* the strengthening of dialogue and cooperation between relevant international organizations and States affected by the organized looting, theft, smuggling and illicit trafficking of cultural property, including through the provision of support and technical assistance aimed at enhancing their national capacities to restore, protect and preserve cultural heritage and property;

6. *Calls for* the development of partnerships between competent national authorities and civil society, in particular grass-roots institutions, with the aim of enhancing the protection of cultural rights and promoting the right of everyone to participate in cultural life, including the ability to access and enjoy cultural heritage;

7. *Also calls for* the identification of innovative ways and best practices, at the national, regional and international levels, for the prevention of violations and abuses of cultural rights, and for the prevention and mitigation of damage caused to cultural heritage, both tangible or intangible;

8. *Further calls for* the recognition of cultural heritage protection as an important component of humanitarian assistance, including in armed conflict and with regard also to displaced populations;

9. *Encourages* States to adopt a gender-sensitive approach to the protection of cultural heritage and the safeguarding of cultural rights;

10. *Calls for* the safety and security of cultural rights defenders involved in the protection of cultural heritage to be protected, including by investigating and, where appropriate, bringing to justice anyone alleged to have harmed them;

11. *Invites* States to adopt effective strategies to prevent the destruction of cultural heritage by, inter alia, ensuring accountability, documenting the cultural heritage within their jurisdiction, including through digital means, implementing educational programmes on the importance of cultural heritage and cultural rights and training military forces in all relevant rules concerning the protection of cultural heritage, both during and in the aftermath of armed conflict;

12. *Encourages* States to consider implementing the recommendations on intentional destruction of cultural heritage m[illegible]e by the Special Rapporteur in the field of cultural rights in her reports presented to the Human Rights Council[2] and to the General Assembly;

13. *Requests* the United Nations High Commissioner for Human Rights:

(a) To convene, before the thirty-sixth session of the Human Rights Council, a one-day intersessional seminar on ways to prevent, contain and or mitigate the detrimental

[2] A/71/317.

impact of the damage to or destruction of cultural heritage on the enjoyment of human rights, including cultural rights by all, and on best practices in this regard;

(*b*) To invite States, the Special Rapporteur in the field of cultural rights and other relevant stakeholders from diverse regions, including experts and civil society organizations, and relevant United Nations agencies, funds and programmes, other international organizations and cultural rights defenders involved in the protection of cultural heritage to participate actively in the above-mentioned seminar;

(*c*) To submit to the Human Rights Council at its thirty-seventh session a report, in the form of a summary, on the seminar;

14. *Decides* to remain seized of the matter.